



**Fox Rothschild** LLP  
ATTORNEYS AT LAW  
1800 Century Park East, Suite 300  
Los Angeles, CA 90067-1506  
Tel (310) 598-4150  
Fax (310) 556-9828  
www.foxrothschild.com

JEFFREY S. KRAVITZ  
Direct No: 310-598-4162  
Email: JSKravitz@FoxRothschild.com

December 1, 2016

**VIA ECF AND HAND DELIVERY**

Hon. Katherine B. Forrest  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Hosseinzadeh v. Klein, et al. (Case No. 16-cv-3081)**  
**Response to Request for Telephonic Conference**

Dear Judge Forrest:

I am writing to advise the Court of an inadvertent error in my Declaration attached to our recently submitted Letter Brief [Docket No. 38] that needs to be corrected. When we found out that our client's prior counsel, Michael Lee, had not filed an opposition to the Motion to Compel Discovery Responses [Docket No. 31], we of course wanted to rectify the situation as soon as possible. An associate in our firm, Rom Bar Nissim, prepared our motion papers over the weekend, as he was starting an unrelated trial on Monday. We requested that our client's prior counsel file the Letter Brief and attached Declarations as he was counsel of record; we had not yet received the Certificates of Good Standing from the California Supreme Court, which we needed for our *Pro Hac Vice* applications to be finalized. Mr. Lee got back to us with signed declarations late Tuesday and said that the client Defendants had previously said to do nothing further and thus we needed to file the motion ourselves. By that time, it was too late to file on Tuesday. We thus filed on Wednesday. In the haste to make sure that the motion got filed, the paragraph regarding contact with plaintiff's firm remained, instead of being omitted. It is my mistake and I apologize to the Court and have already apologized to opposing counsel. We are in the process of providing additional documents to opposing counsel, in an effort to resolve the existing motion.

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I am a partner at Fox, Rothschild, have practiced for 40 years and have twice been selected by Chambers for being one of the top IP counsel in the State of California. In my 40 years of practice, I have never had a situation where a motion was not responded to. I have had one unhappy opponent who filed a complaint against me, which was summarily dismissed by the California State Bar. I certainly had no desire to deceive the Court or counsel. My understanding from my New York partners is that there is no requirement that notice needs to be provided to opposing counsel before filing an *ex parte* petition; the petition is the notice. The Central District of California follows this practice as well.

The law abhors a forfeiture. I have simply wanted to help my client obtain an opportunity to be heard on this discovery matter. I have set our meet-and-confer with opposing counsel for this Friday afternoon and hope to resolve some, if not most, of the outstanding issues. It is my hope that we can resolve the current issues promptly and get to the merits of this matter and proceed.

Sincerely,

Jeffrey S. Kravitz  
Fox Rothschild LLP

cc: Tim Bukher, Esq., (Thompson Bukher LLP) (Via ECF)  
Michael Feldberg, Esq. (Thompson Bukher LLP) (Via ECF)  
Michael Lee, Esq. (Morrison Lee LLP) (Via ECF)  
Allison Rothman, Esq. (Morrison Lee LLP) (Via ECF)  
Jeffrey S. Kravitz, Esq. (Fox Rothschild LLP) (Via ECF)  
Rom Bar-Nissim, Esq. (Fox Rothschild LLP) (Via ECF)